

## Department of Transportation

1214.205-1

requests for quotations and purchase orders issued by the Inventory Control Points when bar coding of supplies is necessary.

[59 FR 40276, Aug. 8, 1994, as amended at 61 FR 50249, Sept. 25, 1996]

### Subpart 1213.71—Department of Transportation Procedures for Acquiring Training Services

SOURCE: 61 FR 391, Jan. 5, 1996, unless otherwise noted.

#### 1213.7100 Applicability.

(a) DOT policy at (TAR) 48 CFR 1237.7000 also applies to the Standard Form (SF) 182, Request, Authorization, Agreement and Certification of Training, which may be used to acquire training services; however, the policy does not apply to training services acquired by the Government purchase/credit card. The Government purchase/credit card can only be used to acquire training services valued at \$2,500 or less.

(b) As reflected in (TAR) 48 CFR 1237.7002, this policy does not apply to training attended by DOT employees which is scheduled and conducted by Government sources of supply, educational institutions, or private entities where DOT does not control or sponsor the training. Examples of when the policy does and does not apply include:

(1) When SF 182s are issued for three DOT employees to attend a one week course at a university or other private entity, the policy does not apply. DOT does not control this course because the university or private entity has a contract in place with the training provider and DOT is placing an order under an existing contract; and

(2) When DOT awards a contract to a university or other private entity to provide training for DOT and/or other Government personnel, the policy applies. DOT controls this course; therefore, no soliciting or advertising of private, non-Government training while conducting the contracted-for training is permitted.

#### 1213.7101 Solicitation provision and contract clause.

(a) Contracting officers shall insert the provision at (TAR) 48 CFR 1252.237-71, Certification of Data, in all solicitations and requests for quotations, and the clause at (TAR) 48 CFR 1252.237-72, Prohibition on Advertising, in solicitations, requests for quotations, and all contracts (e.g., purchase orders, SF 182s) for training services when the content and/or presentation of the training is controlled by DOT.

(b) Contracting officers shall incorporate the successful offeror's certified data into any resultant contract(s). Certified data may be incorporated by reference, if the contracting officer determines it contains sufficient descriptive information (i.e., dated material such as résumés, company and/or personnel qualifications) to reliably describe the certified data submitted.

## PART 1214—SEALED BIDDING

### Subpart 1214.2—Solicitation of Bids

Sec.

1214.205 Solicitation mailing lists.

1214.205-1 Establishment of lists.

### Subpart 1214.3—Submission of Bids

1214.302 Bid submission.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40276, Aug. 8, 1994, unless otherwise noted.

### Subpart 1214.2—Solicitation of Bids

#### 1214.205 Solicitation mailing lists.

##### 1214.205-1 Establishment of lists.

(b) The issuance of a solicitation within a reasonable time (i.e., normally 45 days) after receipt of a SF 129, Solicitation Mailing List Application, constitutes the notification required under (FAR) 48 CFR 14.205-1. If a solicitation is not anticipated for release within a reasonable time after receipt of the SF 129 or if an applicant does not meet the criteria for placement on the

list, the contracting officer shall provide a written notification of acceptance or non-acceptance to the applicant within 45 days of application receipt.

(d) Requests for supplemental information shall normally be attached to the SF 129 and forwarded to potential suppliers for completion.

### **Subpart 1214.3—Submission of Bids**

#### **1214.302 Bid submission.**

(b) Contracting officers may permit telegraphic bids to be communicated by means of a telephone call from the telegraph office to the designated office provided that procedures and controls have been established by the COCO for receiving and safeguarding these incoming bids.

## **PART 1215—CONTRACTING BY NEGOTIATION**

### **Subpart 1215.2—Solicitation and Receipt of Proposals and Information**

Sec.

1215.204 Contract format.

1215.204-3 Contract clauses.

1215.207-70 Handling proposals and information.

### **Subpart 1215.4—Contract Pricing**

1215.404 Proposal analysis.

1215.404-470 Payment of profit or fee.

### **Subpart 1215.6—Unsolicited Proposals**

1215.602 Policy.

1215.603 General.

1215.604 Agency points of contact.

1215.606 Agency procedures.

1215.606-2 Evaluation.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418 (b); 48 CFR 3.1.

SOURCE: 64 FR 2437, Jan. 14, 1999, unless otherwise noted.

### **Subpart 1215.2—Solicitation and Receipt of Proposals and Information**

#### **1215.204 Contract format.**

#### **1215.204-3 Contract clauses.**

The contracting officer shall insert clause (TAR) 48 CFR 1252.215-70, Key

Personnel and/or Facilities, in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel and/or facilities.

### **1215.207-70 Handling proposals and information.**

(a) Offerors' proposals and information received in response to a request for information shall be marked as required by TAM 1203.104-5, as applicable.

(b) Proposals may be released outside the Government if it is necessary to receive the most competent technical and/or management evaluation available.

### **Subpart 1215.4—Contract Pricing**

#### **1215.404 Proposal analysis.**

#### **1215.404-470 Payment of profit or fee.**

The contracting officer shall not pay profit or fee on undefinitized contracts or undefinitized contract modifications. Any profit or fee earned shall be paid after the contract or modification is definitized.

### **Subpart 1215.6—Unsolicited Proposals**

#### **1215.602 Policy.**

It is the policy of the Department of Transportation (DOT) to encourage the submission of new and innovative ideas which will support DOT's mission. Through the various Operating Administrations (OA), DOT is responsible for transportation safety improvements and endorsement, international transportation agreements and the continuity of transportation services in the public interest.

#### **1215.603 General.**

DOT will accept for review and consideration, unsolicited proposals from any entity. However, DOT will not pay any costs associated with the preparation of these proposals. Proposals which do not meet the definition and applicable content and marking requirements of (FAR) 48 CFR 15.6 will not be considered under any circumstances and will be returned to the submitter.